

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

TANYA P. ACQUISTO and GRANT
MILL ROAD REDEMPTION
COMPANY,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

C. A. No. 17-347-JJM-LDA

ORDER

This case involves a claim that the defendant mortgagee breached its contract by failing to give proper pre-acceleration notice to the mortgagor. There are a number of deficiencies in the complaint requiring the Court to GRANT Defendant's Motion to Dismiss.

First, Plaintiff Grant Mill Road Redemption has no standing to bring a breach of contract claim against Wells Fargo with whom it had no contract.

Second, Plaintiff Tanya P. Acquisto fails to allege plausible facts that establish a breach of the notice required by the mortgage, in particular paragraph 22. The acceleration letter sent by the mortgagee (ECF No. 11-4), which this Court can consider because its authenticity is unchallenged and it in effect merged into the pleadings (*Young v. Lepone*, 305 F.3d 1, 11 (1st Cir. 2002)), established that Wells

Fargo strictly complied with the notice requirements under the mortgage. Therefore, Plaintiff fails to state a plausible claim upon which relief can be granted.

The Court GRANTS Defendant's Motion to Dismiss (ECF No. 11).

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
United States District Judge

March 21, 2018